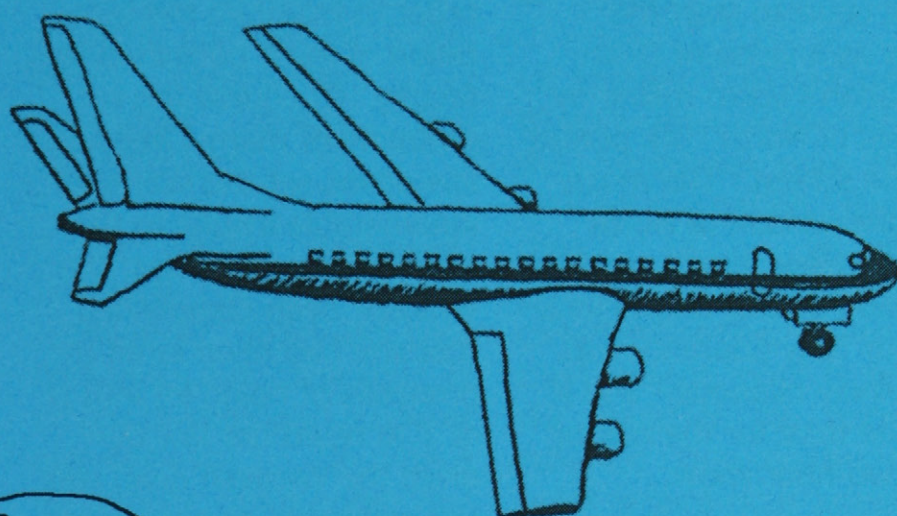


# QUID NOVI

**McGill University, Faculty of Law**  
**Volume 28, no. 17, February 19, 2008**

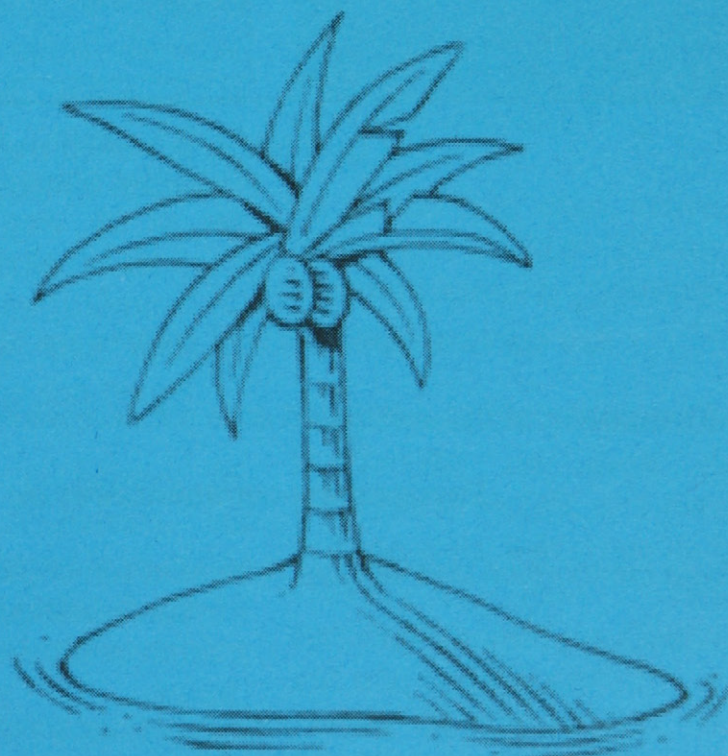
29



Leaving on a jet plane...



Happy Reading Week!





# QUID NOVI

3661 Peel Street  
Montréal, Québec  
H2A 1X1  
(514) 398-4430  
[www.law.mcgill.ca/quid](http://www.law.mcgill.ca/quid)

**Editors in Chief**  
Cassandra Brown  
Andrea Gorys

Assistant Editors in Chief

**Managing Editors**  
Raffaella Commodari  
Matt Maloley

**Layout Editors**  
Alison Adam  
Sandra Antohi  
Alicia Depraeter  
John Lofranco  
Martin Rioux

**Associate Editors**  
Bruce Carlini  
Jake Hirsch-Allen  
Maha Hussain  
Ali Khan  
Ilia K  
Thomas Lipton  
Kristin McHale  
Julien Morissette  
Palma Paciocco  
Colin Schulhauser

**Staff Writers**  
Nick Dodd  
Ilan Gabizon  
Ryan Kirshenblatt  
Mathieu Kissin

**Web Editor**  
Owen Ripley

# EDITORIAL

by **Cassandra Brown (LAW III)**  
**Co-Editor-in-Chief**

In the après-Valentine's lull of February 15th, my law school love took me to Osgoode Hall's Skit Nite, called Mock Trial, for a relaxing and funny break from our all-day study date.

Alabama 3's "Woke up this Morning", best known as the Sopranos opening sequence track, blasted out into the moot court to start the show as a video of Dean Monahan's Volvo rolling by scenes of North York played on the screen. The mocking comparison of North York to New Jersey, not to mention that of Dean Monahan to Tony Soprano, was genuinely hilarious - and it set the tone for the rest of the two-hour show.

The plot of the main storyline was somewhat reminiscent of last year's Skit Nite at McGill: evil U of T Dean Moran had imprisoned Dean Monahan and several of his Canadian peers in the basement of the Bora Laskin law library. She was forcing them to churn out academic work that she then attributed to her own faculty in order to maintain the reputation of most published law faculty. Of course the regrouping of many Canadian law deans set the scene for innumerable insults to the non-Osgoode faculties: the Windsor dean complained that she had been lured by promises of being let into U of T to re-do her law degree, the Western dean was too inebriated to notice that

he was being taken advantage of, and the dean of Queens was typing up her latest article on unemployment law, which as Dean Moran remarked "should be good, since Queen's students are experts in unemployment".

As for McGill, we were portrayed as self-aggrandizing and snobby, as usual. The dean was represented by a cute brunette girl carrying a baguette and wearing a beret, knotted scarf and horizontally striped shirt. "I veel not tolairate zees", she fumed, chained to a desk in front of a laptop, "my eenherent supeeoritee complexe veel not permeet mee to work for zee likes of Dean Moran!"

This storyline was supplemented with a variety of short skits and choreographed musical numbers. Osgoode's vocal talents were [see Editorial, p 4]

## IN THIS ISSUE...

3...Comment en vouloir à quelqu'un qui est de bonne foi?

5...Top Ten Signs you are in McGill Law t

5...Thunderstorm Article

6...Lawyers Gone Good

9...Lawyer Joke

9...Cracking the Code

10...CDO Events Calendar

14...Can you dig it?

15...Sartre: the Silly Years

16..Lawmericks TNG

The *Quid Novi* is published weekly by the students of the Faculty of Law at McGill University. Production is made possible through the direct support of students.

All contents copyright 2008 *Quid Novi*.

Les opinions exprimées sont propres aux auteurs et ne reflètent pas nécessairement celles de l'équipe du *Quid Novi*.

The content of this publication does not necessarily reflect the views of the McGill Law Students' Association or of McGill University.

**Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)**

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:  
<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment.



# COMMENT EN VOULOIR A QUELQU'UN QUI EST DE BONNE FOI?

par Hugues Doré Bergeron (LAW I)

**J**e suis enclin à traiter candidement le message de M. Alex Herman, publié dans le *Quid* de la semaine dernière, car il est définitivement empreint d'une bonne foi malheureusement trop rare. Je me dois tout de même de rétorquer, afin de proposer des réponses à ses questions et/ou à ses affirmations.

Le texte de M. Herman a plusieurs mérites. Le premier est celui de proposer des solutions aux problèmes existants. Cela signifie, implicitement, que M. Herman est d'accord avec le message essentiel de mon premier texte (à lequel il répondait), qui prétendait que l'existence d'un problème dans les rapports Québec/Canada est indéniable.

Par exemple, la proposition de Herman, par rapport à une espèce de commission Bouchard-Taylor pancanadienne à propos de ce que seraient une question et une majorité claires pour un référendum, me semble intéressante. Je limiterais cela, toutefois, uniquement à la question, car la majorité, elle, est déjà claire pour les Québécois. Et laisser aux Canadiens hors-Québec le soin de fixer cette majorité équivaldrait environ à demander à un général ennemi de placer les troupes pour nous. Ça friserait le

ridicule.

Évidemment, au bout du compte, ce serait aux Québécois de choisir la question qui leur plaît. Les délibérations canadiennes seraient, sans aucun doute, très intéressantes et pourraient guider leur cheminement.

À ce dernier argument, j' imagine que M. Herman répliquerait qu'on ne peut demander aux Canadiens de ne pas prendre part au débat référendaire. Je peux facilement comprendre que cela est, pour eux, quelque chose de difficile à accepter.

Il reste que ceux qui voteront pour la souveraineté ont été, sont et seront toujours les Québécois. La campagne référendaire les vise, c'est donc à eux de faire les règles. Est-ce que cela signifie que les Canadiens ne peuvent rien faire? Bien sûr que non.

En fait, il y a une multitude de choses que les Canadiens peuvent faire, au jour le jour, pour s'impliquer dans le débat. J'arrive ici à une autre affirmation de M. Herman.

Ce dernier dit que de prétendre que le Canada ne pourra jamais accepter le Québec comme il est serait « patently untrue ». En fait M. Herman, je pourrais bien

être d'accord avec vous sur ce point, mais là n'est pas la question. La question est plutôt, qu'est-ce que les Canadiens sont prêts à faire pour satisfaire les demandes du Québec?

Le Québec n'a pas besoin d'une motion de la chambre des communes pour savoir qu'il est une nation. Il le sait déjà. Là où la classe politique et la population canadiennes rentrent en jeu, c'est lorsque vient le temps de trancher la question suivante : Que sommes-nous prêts à faire pour améliorer les choses? Jusqu'où sommes-nous prêts à donner plus d'autonomie au Québec? Jusqu'à quel point nous sommes prêts à laisser le Québec se gérer entièrement seul?

Si on répond « jusqu'à 100% » à cette dernière question, on arrive à la souveraineté totale. Est-ce que c'est là la seule solution? Clairement pas, je le dis aujourd'hui et je l'ai dit il y a deux semaines (même si M. Herman m'a fait dire le contraire dans son texte).

Le voilà le problème, M. Herman. À Meech, les Canadiens pouvaient jouer un rôle. Si Meech avait passé, le mouvement souverainiste aurait, probablement, été relégué aux oubliettes. Ce ne fut pas le cas. Les Québécois sont

ceux qui mènent la barque par rapport à un référendum. Les Canadiens, eux, mènent la barque par rapport aux **c h a n g e m e n t s** constitutionnels. Ces derniers peuvent prévenir, et vous le savez, à tout jamais la recrudescence de la menace souverainiste.

Voilà, donc, ce que les Canadiens peuvent faire : mettre le Québec dans une situation où les souverainistes ne seront plus écoutés lorsqu'ils parleront d'avoir plus d'autonomie, plus de pouvoir, moins de contraintes. Sur ce point, la balle est dans votre camp. C'est ainsi que vous pouvez agir. Cependant, laissez-moi vous avertir; si vous avez l'intention de le faire, vous allez vous buter à un Jean Charest et un Stephen Harper qui vous diront que le « fruit constitutionnel » n'est pas mûr.

Ce qui m'amène à une autre chose que vous avez dite dans votre texte et qui me donne l'impression que vous êtes un homme de bonne foi :

« Canadians, in my view, are overwhelmingly aware that Quebec constitutes a distinct society – to say otherwise would be ignorant ».

Je pense que vous croyez réellement cette phrase. Personnellement, j'aimerais la croire.

Et à côtoyer, dans le cadre de la faculté de droit de l'université McGill, des gens comme vous, il m'arrive de la croire. Mais voilà, reconnaître que le Québec est une société distincte, au risque de me répéter, est insuffisant. Ce n'est que le premier pas. [Contd. p 4]



[Bonne Foi, contd. from 3]

Ensuite, il faut être prêt à agir, à faire des concessions dans cette direction.

Si la reconnaissance du Québec en tant que société distincte était si répandue, faire des pas dans cette direction devrait être chose facile. En d'autres termes, le fruit constitutionnel serait mûr.

Malheureusement, je crois (tout comme Jean Charest et Stephen Harper) que ce n'est pas le cas. Les demandes québécoises se butent donc à un siège vide; pas d'interlocuteur. Quand on parle seul, on finit par tenter de trouver une solution seul. La solution que l'on peut accomplir seul, c'est la souveraineté.

Ce que vous pouvez faire en tant que Canadien, M. Herman, c'est vous assurer que le siège ne sera plus vide!

[Editorial, contd. from 2]

particularly well-displayed in a rendition of Amy Winehouse's "Rehab". "They tried to make me go to Windsor [UVic/UQAM]" crooned the lead singers in the three choruses, "But I said NO! NO! NO!". Predicable but funny lyrics detailing why each of the proposed schools was so unacceptable followed.

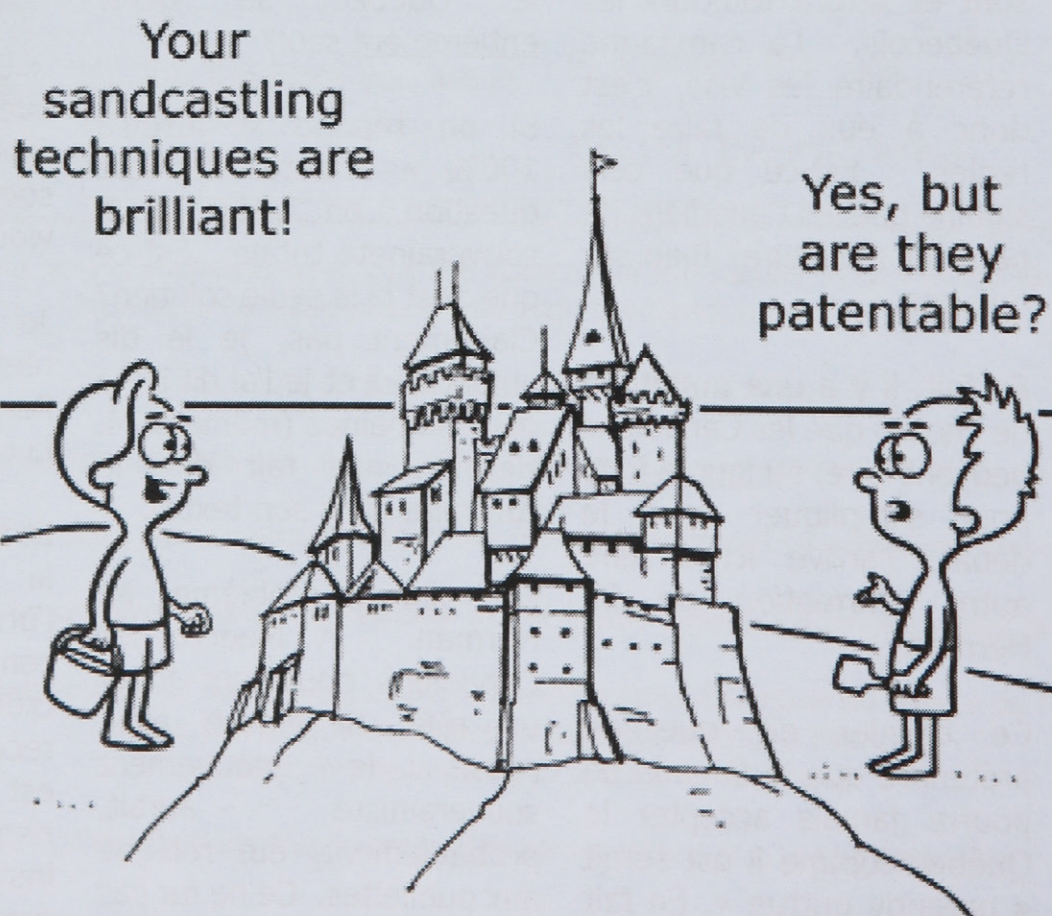
A skit called "Lawyer Bear" featured a student sporting a full bear costume meeting with a team of corporate executives seeking to deforest British Columbia. Despite Lawyer Bear's negotiation of a favorable contract for his clients, they remained visibly unsatisfied and continued to make condescending remarks about the trustworthiness, character and intelligence of bears. Finally Lawyer Bear confronted the lead executive about her rude remarks. When she fired him on the spot, he threatened to bring her up on charges of having vio-

lated his s. 15 equality rights. Counsel reminded Bear that he could not invoke his s. 15 right to equality as the Charter does not yet guarantee equality of species, at which point Bear revealed that he was gay and commented triumphantly that, "one of the funny things about bias is, it's hard to prove you hate only one thing and not another". While I was slightly unsure about the relevance of s. 15 to a forestry company's decision to fire its lawyers, this did not at all detract from the content of the skit, which had most of the audience falling off our chairs laughing and rooting for the ultra sympathetic Bear.

Unquestionably, the highlight of the show was an MSN Messenger Chat between the Supreme Court Justices that unfurled on the large screen over the stage. While a nervous first time Supreme Court litigator began his arguments from offstage, "@bell@", "The-

Binster", "Rothsy" and the others signed in MSN chat to waste time. Their back and forth insults and running tirade on the "brutalness" of the litigant's oratory skills and substantive arguments typed across the screen while the voices of the judges were broadcast live from backstage.

All ended well for the imprisoned deans of course when the Osgoode student society president broke into the Laskin basement and freed them, also pulling off Dean Moran's Darth Vader mask in the course of the rescue. Congratulating the cast after Mock Trial, I couldn't help but start getting excited for Skit Nite 2008. As funny as Mock Trial was, I knew that many of the inside jokes had been lost on me. Besides, I had a feeling that Skit Nite would be better even objectively – but that's just my eenherent supeeoritee complexe shining through.





# TOP 10 SIGNS YOU ARE IN MCGILL LAW

by Jae Lim (LAW I)

**10.** You take notes in English and in French. Your Word program seems troubled by your linguistic schizophrenia, and decides to underline your Franglish in red. Meanwhile, your auto-correct function switches every other perfectly correct French expression into English. *Le sigh...si seulement l'ordinateur était transsystématique...*

**9.** "Passive bilingualism" becomes part of your everyday reality, and you start to realize this when you talk to your law school friends and professors in English but hear them respond in French, or vice versa. Or you adopt the routine of starting in one official language and ending the talk in the other. The most interesting fact is that you no longer notice that you are switching languages.

**8.** While your friends in other law schools seem in-

souciant about this, you constantly juggle in your thought process between civil and common law. Worse, just when everything seems clear and understandable, you realize that you forgot all about the other system. In your sleep, you have nightmares that you neglected to do your readings in your less preferred official language. *Pas bien... pas bien du tout!*

**7.** Your Civil Code of Quebec is frequently quoted in at least one of your classes. You know roughly how it is organized into books and articles, and even have a favourite article that can cause you to chuckle at 3 PM on a quiet Saturday as you are perusing your books on the third floor of Nahum Gelber.

**6.** You are used to the physical rigour of lugging your 14 inch x 9 inch course packs to school every day.

Your friends from outside of law school seem impressed by the sheer demeanour of your course packs, and the fact that each page is written in at least 3 columns with less than 10 pt font.

**5.** You have a new penchant for Thursday afternoon's light and slightly inebriated fun with your friends at Coffeehouse. Of course, you quickly learn that actual coffee is not served, but many forms of alcoholic beverage are.

**4.** You saw, met, and heard a judge just less than 10 feet away from you in the moot court - the very judge whose words you have been highlighting all year in your 14 inch x 9 inch course pack!

**3.** You have a drawer full of free gifts. These objects vary in their utility. There are those readily serving a purpose such lip balm, high-

lighters and post-its. Then there are some curious objects whose purpose you have yet to find, such as a thick booklet containing pictures of happy young lawyers and enigmatic phrases such as "I want...".

**2.** You have some big shoes to fill. You are reminded of this fact daily as you see picture frames of many successful McGill graduates and judges in classrooms and in hallways, and whom you read about in your readings (tomes).

**1.** For the most part, the people whom you come across in school made it here as their first and/or only choice, and they did so happily, even if it meant moving away from their city, province, or even country. (As a result, you've met some of the most interesting people from all walks of life.) So why law? Because, it's McGill.

## THUNDERSTORM ARTICLE

by Ilan Gabizon (LAW III)

One question that really fascinates me is whether or not there is any purpose to life. Who among us has not asked ourselves the question, "Is this it?" I venture to respond that we have all transcended that frontier. And we have all come up with various answers. Some of us find the purpose to life in

success; for a lot of us that would imply securing a job at a good law firm, making a lot of money, and revelling in the concomitant prestige. Some of us find purpose in aiding others. Some even find purpose in mere act of dissenting (I am referring here to the radical liberals in our faculty)!

And some find pur-

pose - this is the important part - in the negation of purpose. Have any of you ever read Albert Camus' *Myth of Sisyphus*? The point Camus makes is that there is in fact no purpose to life at all, and that it is our job to embrace this fact and move on. Nietzsche makes the same point with his doctrine of eternal recur-

rence. Well, if you ask me, this line of reasoning is utter nincompoopery, a monstrosity of ginormous proportions. These idiots think that just because they cannot locate the purpose to life, there must be no purpose at all. Well, to hell with them, right? I'm not so sure. Unfortunately, we cannot just dismiss this pessimism, as it is deeply ingrained within our culture.

I don't think it is an over-statement to say that many of us believe that our ancestors were apes. This is in fact the 'academically



correct' stance – the worldview that any aspiring academic, whether it be in philosophy, science, or whatever, must espouse in order to be taken seriously. Without getting into the scientific problems that plague this idiotic theory, I would like to examine the philosophical baggage that comes along with it. Dinesh D'Souza, a brilliant writer on politics and religion (you can log onto his website to hear his most recent debate with Christopher Hitchens on the merits of Christianity), sums it up in the following statement: "You are the descendant of a tiny cell of primordial protoplasm washed up on an empty beach 3 1/2 billion years ago. You are a mere grab bag of atomic particles, a conglomeration of genetic substance. You exist on a tiny planet in a minute solar system in an empty corner of a meaningless universe. You came from nothing and

are going nowhere."

Sounds stupid? You're right, it is. And this is precisely what is being taught by the morality-creators of our time, some of the more popular being Christopher Hitchens (God is Not Great), Sam Harris (Letter to a Christian Nation), and Richard Dawkins (The God Delusion). Of course, they won't admit it outright. They'll pretend that their worldview admits of the possibility of charity, love, and peace. But it doesn't. They believe that we are merely the product of our genes. They will argue that we ascribe inherent rightness or wrongness to things because our genes programmed us to think this way (I never knew that genes were able to reason). Do you know what that means? It means that morality is a mere figment of our imagination! Yes. And do you want to know what that implies? It implies that

I can go murder, rape, pil-lage, and steal without the least moral qualm hindering me! And why not? Moral qualms are nothing but practical devices that were used by our genes to render us more fit to survive (and thus pass on our genes). So to hell with these qualms! I want to give into my lusts, dammit, and I'm not going to let my genes trick me into thinking that there is any reason why I should abstain...

The point is that no ultimate purpose to life can be drawn out of this worldview. You can run after riches, or you can dedicate your life to helping the needy, but at the end of the day, "you came from nothing and are going nowhere." None of this will count. We're all destined for nothingness.

You can believe it if you want, ladies and gentlemen. Nobody will stop you (in fact, if you don't believe

it, you might have Dawkins on your doorstep diagnosing you with a mental virus). But I am apt to borrow some words from Paul, a man who lived two millennia ago – a man who was much sager than any evolutionary biologist or psychologist, or any philosopher – in a letter he wrote to the Romans: "[T]hat which may be known of God is manifest... For the invisible things of Him from the creation of the world are clearly seen, being understood by the things that are made...so that [we] are without excuse: Because that, when they knew God, they glorified him not as God, neither were thankful; but became vain in their imaginations, and their foolish hearts were darkened. PROFESSING THEMSELVES TO BE WISE, THEY BECAME FOOLS." Amen.

## LAWYERS GONE GOOD: THE LEGAL CLINIC COURSE

by Hinda Rabkin (LAW III)

With books and articles abounding about all the evils of private sector lawyers (with sensationalist titles such as Philip Slayton's *Lawyers Gone Bad*), the consistent jokes about private sector lawyers in conversation with the devil, and a recent visiting lecturer from France solemnly repeating his colleague's opinion that "c'est la fin de la profession", it isn't difficult

to become cynical about the role of lawyers in our society.

But I don't think that the commercialization of the legal profession is quite as absolute as it is often presented. As simplistic and banal as this is to say, there are lawyers out there trying to help out and positively contribute to our society.

Of course what may immediately come to mind

are the many pro bono initiatives of large corporate firms (often prominently displayed on their websites). However, the motives for these initiatives are often questioned and having never worked in a large corporate firm myself, I wouldn't be able to tell you more about the logic behind them and the amount of time actually devoted to the pro bono causes.

I am on the other

hand, participating in the Legal Clinic Course and have been doing my stage at the Montreal Women's Centre since September. Most of my work involves providing legal information to women who call or who come to the MWC. And because it's artificial to divide people's problems into legal and personal ones, I try and provide support where and how I can. In this regard, I am supervised by a social worker and have the help of a dedicated team of social workers and administrators.

Every two weeks, my supervising lawyer Me Desautels (who invites me to contact her at any time and usually answers me within the hour...) comes to the Centre and conducts five half-hour individual ses-



# Surveys of Post-Graduation Plans

## Class of May 2008

THESE RESULTS WILL HELP THE CDO IN SERVING FUTURE STUDENTS. ALL

THE INFORMATION YOU PROVIDE IS CONFIDENTIAL. NOTHING THAT  
COULD

IDENTIFY YOU WILL BE PUBLISHED. IF YOU HAVE QUESTIONS OR CON-  
CERNS

ABOUT THIS SURVEY, PLEASE CONTACT YOUR CDO.

Catherine Bleau B.C.L./LL.B.

Interim Director, Career Development Office  
McGill University, Faculty of Law  
Directrice intérimaire, Centre de développement  
professionnel  
Université McGill, Faculté de droit

514.398.6618  
3644 Peel street, Montréal (Qc) H3A 1W9



# CDO

CAREER  
DEVELOPMENT  
OFFICE

DROIT MCGILL LAW



# PUBLIC INTEREST CAREERS DAY

WEDNESDAY, FEBRUARY 20, 2008

9:00 - 11:30 a.m.

SIGN-UP AT THE CDO !

and 2:45 - 3:30 p.m. NETWORKING EVENTS

15-minute informative interview periods with practitioners

11:45 a.m. - 1:30 p.m. KIOSKS IN THE ATRIUM

AND PIZZA!

- Aide Juridique de Montréal & Legal Aid Ontario
- Cavaluzzo Hayes Shilton McIntyre & Cornish
- Éducaloi
- Huchins Caron & Associés
- DFAIT (Foreign Affairs) ...

1:30 - 2:30 p.m. PANEL OF SPEAKERS

Presenting areas of practice, opportunities and career advice



*Il y aura des tonnes de choses  
gratuites, comme des guides  
d'emploi dans le domaine de  
l'intérêt public!*



sions with women who made appointments through the Centre. Me Desautels has been in private practice for 25 years and has been volunteering at the Montreal Women's Centre for just as long. She is a successful talented lawyer (in family law, civil law, criminal law etc.), self-employed (so her volunteer hours are not billed), and in addition to her volunteer work, acts as a mentor for other young lawyers.

Women from all walks of life come to these sessions with her (which I am allowed to attend). Most however, are immigrants, living in extremely difficult situations (usually abuse), and are often quite poor and on welfare. Me Desautels understandingly listens, tries to put the women at ease, and helps out in any way she can. Sometimes we receive women who (it turns out) are mentally unstable and who can even get aggressive, but all the same she gives them her full attention and engages with them (even those who believe in world conspiracies...). I have never seen her give the impression that the client is wasting her time or in any does she cut

them off. Instead, Me Desautels always seems to sympathize with the women at these sessions and seems genuinely and compassionately interested in people's lives and their stories. Those that think that Me Desautels is doing this to get clients have clearly never met the people who come to the Centre, most of whom cannot afford her services should they have to pay for them.

In her private practice, Me Desautels has a policy of payment by instalments for those that can't afford to pay her at once. Indeed, she once told me of a client she had who had a complicated and lengthy case. Me Desautels arranged for the client to pay her 125\$ a month for years (with no interest!)

The Legal Clinic Course has been as real as the law gets for me - I highly recommend you do it. If only to redeem the legal profession in your eyes and to inspire you to find it only natural to give 10 hours a month of your time in your professional life for the less privileged in our society.

## THE JOKE ABOUT THE LAWYER AND THE DEVIL

After his death, the lawyer found himself with the devil in a room filled with clocks. Each clock turned at a different speed and was labeled with the name of a different occupation. After examining all the clocks, the lawyer turned to the devil and said, "I have two questions. First, why does each clock move at a different speed?"

"They turn at the rate at which the members of that occupation collectively sin on earth," replied the devil. "What's your second question?"

"Well," said the lawyer. "I can't seem to find my occupation. Where is the 'lawyers' clock?"

The devil momentarily looked confused, and he started checking the clocks. "They should all be here," he muttered, looking frantically, "It has to be here somewhere... Oh, there will be Hell to pay for this."

Suddenly, the devil relaxed, slapped himself on the forehead, and exclaimed, "Oh, yes! How silly of me. We keep that clock in the workshop and use it for a fan."



## CRACKING THE CODE

by Francie Gow (ALUM I)

As I mentioned last week, the Quebec Bar imposes a certain monogamy with the civil law. I do get to spend the occasional Saturday night with the Annotated Criminal Code (I never could resist the bad boys), but it's with my CCQ that things are getting, well, intimate. We eat

together. We sleep together. I have even been known to bathe with it. After three and a half years of casual dating, it is finally beginning to reveal its secrets to me.

Throughout most of the law degree, but especially in first year, you spend time examining particular articles

of the Code in microscopic detail. Because this is McGill, you also pan way back and look at the broad social context in which all this law is lodged. But the reason you are still confused, and I know you are, is that you cannot yet focus on the middle perspective, the Quebec civil law system

as a whole. You can see the trees and the continent, but not the forest.

This is not a sign that your education is flawed. After all, the only way to see this forest is to look at a couple of trees at a time until your eyes adjust, and that takes time. The bar course is all about the forest. The continent is relegated to an optional one-day social diversity workshop, and we spend about ten minutes on articles that at school we would have considered for



three weeks, whether we have actually encountered them before or not. But in four months, we will read almost every single one, and several related statutes besides. Things are clicking into place. I am finally beginning to get what it is that some lawyers actually do from day to day.

For those of you still struggling through, a handful of articles at a time, here are some tricks that might make it easier.

First, get to know your tables of contents (TOCs). If you have the Yvon Blais edition, the main TOC lists many useful acts and regulations. You don't need many of them now, but it's good to know they're there. The Canadian Charter is there, as is the Quebec Charter. Actually, flip to the latter right now and put a big asterisk next to art. 49. Then do the same with art. 2 of the Consumer Protection Act. If you are taking Secured Transactions, you will find important bits of the Bank Act back there too.

Even more importantly, get to know the TOC of the Civil Code itself. We are all familiar with the following Catch-22: you cannot see the big picture without diving into the details, but the details do not make sense until you can see the big picture. In the beginning, while you are flailing around, the TOC makes a useful substitute for a big picture. Referring to it occasionally will help. (That applies doubly for your course syllabus.) For a given course, you often need to cover a discrete chunk of code, like a Book or a Title, with perhaps a

few useful articles from elsewhere thrown in for good measure. Consider pasting that subsection of the TOC into the beginning of your summary.

Stupid as this sounds, try actually reading the chunk of code you are supposed to be covering. Cutting and pasting articles into your summary as they are mentioned in class so that you can refer to them during your exam will only get you so far. Reading the Code is a boring exercise if undertaken too early in the term, and not a particularly helpful one if undertaken too late, so I tended to do this about half-way through a course. Read the articles over quickly, in order, taking particular note of the headings. It will be an afternoon of little epiphanies. In the following class, the discussion will suddenly become more accessible.

Read the articles with a well-sharpened pencil in hand. Write all over your Code. Cross-reference it. Next to art. 901 write "see art. 956" and vice-versa. Next to art. 6, list 7, 1375 and 2805 (all related to good faith). Write relevant case names. Note patterns. For instance, if words such as "compel" or "require" seem to crop up often in a given area, start making a list. Should the prof toss you an exam question on expropriation, this list will be gold.

If you have an aversion to writing in books, arrange the articles you need for a course down the left column of a wide two-column table and fill in the right column with all of the information mentioned above. This

takes longer, but it is a very user-friendly tool come the exam. It speeds things up enormously to have a copy of the Code saved in your computer in Word or Word-Perfect format rather than HTML.

If you suddenly ask yourself where you have seen a particular wording before, stop what you are doing and take however long it takes to figure it out. Was it in a case? Was it in my notes? Was it in another article? DO NOT put this off, since you are unlikely to come back to it. These are the kinds of links you will be expected to make in your exams, and if you haven't connected the dots beforehand, you are in for a sweaty couple of hours.

Learn a few numbers. Some you will remember without trying, like 1457. If other numbers already come with associations attached, use them to your advantage. Example: "In 1492 Columbus sailed the ocean blue." Art. 1492 is about restitution of payments not due, so how about: "In 1492 Columbus paid a sum not due"? Unfortunately, there is nothing particularly evil about the content of art. 666, but it's in the Book on Successions, so at least it deals with death!

Sometimes, the weirder the mnemonic device, the better. Having a musical background, I instinctively convert the numbers into notes on a scale to check for hints of melody. Usually this doesn't get me very far, but I occasionally hit the jackpot. For instance, 1345 (do-mi-fa-sol) sounds like the beginning of "Oh When the Saints Go Marching In".

Art. 1345 deals with the equitable apportionment of profit and expenditure between beneficiaries of an administration. A saint would make an equitable apportionment, right? Hey, if this sounds too nerdy even for you nerds, just bear in mind that I still remember that article without any assistance two years after writing my Civil Law Trusts exam. Do what works for you.

If no mnemonic presents itself, just bash in the most important numbers by sheer repetition. Ideally, as you read a fact pattern, relevant numbers (and case names) should be coming to you spontaneously. When you go look them up, your cross-referencing will take care of the rest, and you should wind up with a relatively complete answer.

Let's wrap things up at the end: the index. This is a tool that becomes more useful as you learn more terminology, so don't despair if you don't find what you are looking for in the beginning. It's there, just under a different heading. Do go look up "Definition": it is a revelation!

Oh, one last thing: if you do decide to read your Code in the bath, use your spare in case you drop it.



# CDO EVENT CALENDAR: UPDATED

## March 2008

Mon	Tue	Wed	Thu	Fri	Sat
					1
3	4 Ottawa Summer Call Day	5 Info Session on the US/Toronto Recruitments --- Info Session on Calgary's Matching Program	6 Mock Interviews Outlaw Coffeehouse	7	8
10 Entrevues Course au stage	11	12 Promoting Montreal Event with Dean Kasirer	13 MILS Coffeehouse	14 Osgood Public Interest Day and SPINLAW conference	15 Osgood Public Interest Day and SPINLAW conference
17	18	19 Panel on Diversity in the Legal Profession	20 Bridge Club Coffeehouse	21	22
24	25	26	27 Aboriginal Law Association & Women's Caucus Coffeehouse	28	29
31 Offres d'embauche Montréal					





# CAN YOU DIG IT? SUNS SWING BIG TRADE TO BOLSTER NBA TITLE RUN

by Mathieu Kissin (LAW I)

**S**haq, Shaq Daddy, Superman, Shaq Fu, the Diesel, Snaq O'Meal, the Big Baryshnikov, Wilt Chamberneezy, M.D.E. (Most Dominant Ever), the Big Aristotle. Whatever you want to call him, Shaquille O'Neal, basketball player, actor, rapper and MBA-toting reserve police officer, has landed in the desert after being traded by the Miami Heat to the Phoenix Suns for Shawn Marion and Marcus Banks.

Many were surprised and confused when news of the trade emerged. O'Neal, after all, is 35, averaging career lows in both points and rebounds this season with the last place Miami Heat and has been injury-prone of late. Athletes tend to depreciate with age, unless they "don't use" performance enhancing drugs. The drop-off is even more significant with NBA big men whose knees and joints are no longer capable of enduring the rigorous pounding of an 82 game season, not to mention the playoffs. The doubters therefore proclaim that Shaq is on the decline, that he is dead weight and oh ya...him and his wonky hip are owed \$40 million over the next two years.

Rookie GM Steve Kerr's first trade has been criticized because it would appear that

Shaq does not fit into the Suns current run and gun system. Shaq can't run the floor, he's too slow defensively, he's lazy etc. These same critics point out that Shaq was obtained at too high a cost. Shawn Marion, the main piece acquired by Miami, is an all-star calibre talent, a defensive ace capable of guarding shooting guards, small forwards and power forwards. Why give up such a key cog of a team which at the time of the trade had the best record in the tough Western Conference?

The answer starts with Marion. For all of Marion's talents, he seems to lack both maturity and intelligence. Marion had been unhappy playing for the Suns, a perennial contender, because he felt unappreciated and overshadowed by the Suns' two all-stars Steve Nash and Amare Stoudemire. How anyone making almost \$17 million a season (12th highest salary in the NBA) can feel unappreciated or unhappy is beyond comprehension. Marion instead aspires to be the "man" and have his own team, which ironically won't happen in Miami where Dwayne Wade currently occupies that role. It is worth noting that the last Phoenix malcontent who forced a trade, Joe Johnson, got the big money he felt he de-

served from the Atlanta Hawks and proceeded to lead them to two, going on three, losing seasons.

Marion had become a distraction and the Suns had serious team chemistry issues. In addition, Phoenix's defence has been shredded repeatedly by the big men, an issue which has posed a serious obstacle to Phoenix's playoff drives in years past. The West now possesses a stable of dominant big men including Pau Gasol, Andrew Bynum, Yao Ming, Tim Duncan, David West and Dirk Nowitzki.

So they went out and got Shaq. He appears healthy, as evidenced by his impressive showing during his first practice with his new team on Monday. This has led NBA hall of famer Bill Walton, in contravention of "big man pecking-order Ordinance 2257" to blast the Diesel for overstating his injury in order to force a trade. Banking on Shaq's health is certainly a risk which could backfire but the prospect of an NBA title seems to have been too good an opportunity to pass up. Coaches and players around the league unanimously agree that it's a good trade.

Shaq is no longer the dominant force he once was but he still, at times, commands

a double team. Suns coach Mike D'Antoni seems convinced that Shaq will be able to integrate himself into the line-up and 'ignite' the fast break in addition to providing the rebounding and interior defence his team has sorely been lacking. The theory is that more limited minutes and a diminished role will allow Shaq to be more effective. Shaq will also add veteran leadership and improve team chemistry.

Shaq for his part seems to have accepted this role and is re-invigorated by the prospect of playing with Nash and embarking on the "Amare Stoudemire Project". He is also intent on yet again silencing the critics. As the former NBA MVP, 3 time NBA Finals MVP, 4-time NBA Champion, 2-time All-Star MVP, 14-time NBA All-Star and Olympic Gold Medallist points out "You just don't really want to get me upset. When I'm upset, I'm known to do certain things — like win championships." The only guarantees in this trade are an increase in sales of Suns merchandise, hilarious press conferences and great entertainment. Kazaam anyone?



# SARTRE: THE SILLY YEARS

by Stefan Szpajda (LAW I)

**G**o to any college-town coffee shop or undergraduate dorm today, and you're unlikely to find a bespectacled youngster willing to admit ignorance of Jean-Paul Sartre's heavier works. They'll tell you that Hell is other people and complain of a vague but overpowering nausea with a wink and a nod. Sartre, you'll be assured, was a French existentialist with the mind to earn a Nobel prize and the sense to decline it. But how many of them know of his so-called Silly Years, a period during which he was overcome by a persistent spell of child-like glee?

Despite le philosophe's deep desire not to become an institution, between 1968 and 1972, his existentialist scribbles generated more for the French economy than the turn toward socialism had cost. In order to keep up the figures, his anxious aura had to be preserved. Any loss in semi-suicidal credibility on Sartre's part could have precipitated a flood of bleached hair, white teeth, processed cheese, and other American affronts to French identity. And yet when Sartre began ordering his petit déjeuner with a soft smile and a gleam in his eyes early in 1973, the authorities balked at interfering right away.

"We thought he was toying with us," recalls Dominique Desanti. "One night in 1966 he came to dinner wearing nothing but an Algerian man as a dress. He was

very fond of the Algerians, you'll recall."

Jean Kanapa was altogether less naïve with respect to Sartre's declining melancholy. Barely able to conceal his shame, he conceded that Sartre's happiness had been building slowly for some time. "We all saw the signs. Some of us just chose to ignore them," sputtered the one-time associate of Sartre's between puffs of smoke.

"Some people say it began that day he claimed to have eaten the Perfect Egg. I don't think he would have opened his mind to the idea of such an egg had he not undergone an earlier transformation."

Agreeing to speak on condition of anonymity, a long time friend insists that Sartre's condition became widely known amongst authorities but suppressed through the services of a secret police force, ironically known as Les Joix de Vivre.

"Before long, he'd try skipping through the streets of Paris whilst whistling gaily to himself. It was a form of public defiance." Then, choking back tears, "Our agents always managed to knock him down to a gallop. Sometimes he'd tumble to the ground, grinning like an ape the whole way down."

Desanti confirms this analysis:

"It was horrible – we caused him to drop his ice cream cone on at least

three separate occasions. Each time he bent over proudly and picked it off the ground. He was very fond of strawberry. So much dignity, Sartre. But we had no choice. I regret nothing."

There are those who go so far as to perceive Nixon's shadow in their idol's suddenly lifted spirits, citing a correspondence between the two in which the former attempted a series of knock-knock jokes with some modicum of success. The disgraced President, of course, not only had a lot of time on his hands, but passionately believed that Sartre's musings were sapping honest and hard-working American minds.

Such conspiracists, however, distract from more looming questions. Namely, how did Sartre feel about his emotional development and why was he never invited to host Saturday Night Live?

Diary entries from the period are conflicting at best, and it is difficult to discern who can claim honesty on their side. Fortunately, Sartre's estate has opened the vaults, releasing some pertinent documents with respect to his state of mind at the time. His 8 October 1974 diary entry is particularly enlightening:

Mes amis. I have found myself overcome by most peculiar sensations of late. While trapped for an hour in an elevator with a mother and her yelping child, the impulse to silence the crea-

ture through use of my cane was notably waned. Instead, I reached into my pocket to procure a neatly wrapped bon bon. The child looked upon my countenance with genuine gratitude upon accepting the gift, such that it shattered my understanding of time and being. Shall I espouse this feeling in print?

Certainly, I smashed his mouth with my cane despite this. But doing so brought no welcome sense of desperation.

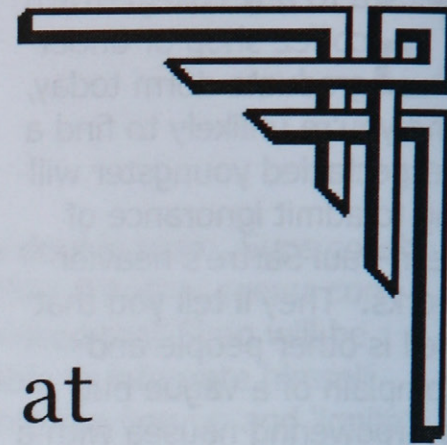
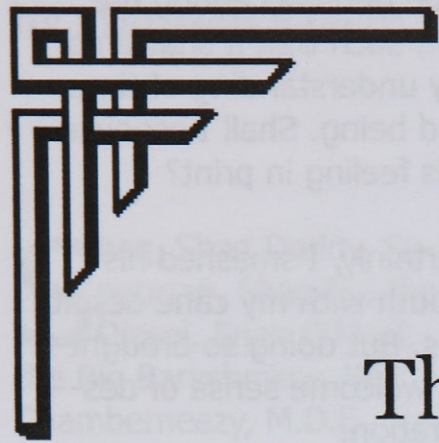
We see in Sartre's words the ambivalence he felt in the early stages of the Silly Years. As the ambivalence faded and he became committed to happiness, French authorities had no choice but to silence him. Forced to listen to Simone de Beauvoir deconstruct chewing gum and pantyhose while under house arrest, the budding optimist was once again reduced to emotional rubble. For the first time in centuries, the French authorities had won.

We must ultimately ask ourselves what, if any, consequences arise from the censure of Sartre's development. By preserving the sad man's legacy the French government made the socially responsible choice to favour timeless and accessible anxiety over the elitist acceptance of life as something to be enjoyed. There's no telling how many minds could have been lost to competitive sport, self-assurance, and productive daily routine had the Silly Years been permitted to continue. So the next time an anemic adolescent declares life to be passé, take heart: at least he's not watching Friends.



# LAWMERICKS: THE NEXT GENERATION

by Stephanie Jones (LAW III)



## I

The reservoir field's where it's at  
T' avoid the hills – so much for that.

Now I have to go 'round  
So I go up or down  
But I still end up flat (on my back)!

## II

Over time, owners and their pets may  
Resemble each other, they say.

If we look at our profs  
And their areas of law,  
Is the same true, at th' end of the day?

